

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

14-MD-2543 (JMF)

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

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ORDER

JESSE M. FURMAN, United States District Judge:

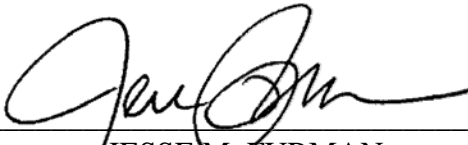
On August 7, 2020, the Court issued an Opinion and Order regarding common benefit assessments on state cases and unfiled matters, granting in part and denying in part the motions for declaratory judgment filed by Bailey Cowan Heckaman PLLC and The Potts Law Firm (the “Firms”). ECF No. 8090. The Court concluded that “Order No. 42 applies to the Firms’ clients’ related unfiled claims and to state-court cases in which the Firms used Common Benefit Work Product, but it does not apply to state-court cases in which the Firms did not use Common Benefit Work Product.” *Id.* at 31. The Court ordered each Firm to “file an affidavit that (1) identifies its related state-court cases and (2) with respect to each, either confirms that the Firm did not use Common Benefit Work Product or concedes that it did.” *Id.* at 32. The Court further noted that if it “later concludes that a Firm incorrectly represented in its affidavit that it did not use Common Benefit Work Product, the Court will impose the assessment, plus appropriate sanctions.” *Id.* Pursuant to the Court’s order, on September 8 and 9, 2020, each Firm filed a declaration identifying its related state-court cases. *See* ECF Nos. 8138, 8139.

No later than **September 29, 2020** Lead Counsel shall advise whether, based on the current record, there is any basis to dispute the Firms’ identification of cases that are subject to assessment pursuant to the Court’s Opinion and Order of August 7, 2020, ECF No. 8090. Any such submission shall not preclude a later application if newly discovered evidence were to

reveal that a Firm actually used Common Benefit Work Product in a case despite representations to the contrary.

SO ORDERED.

Dated: September 15, 2020
New York, New York



JESSE M. FURMAN
United States District Judge